

IN THE DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,

Defendants.

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

**NOTICE PRESERVING OBJECTION TO PROCEDURAL
IRREGULARITIES AND CONSTITUTIONAL DEPRIVATION**

Plaintiff Michael Miller respectfully submits this Notice to preserve all objections to the Court's procedural handling of this matter and to clarify that no claim, legal theory, or constitutional right has been waived by Plaintiff.

I. Unresolved Motions and Procedural Entrenchment

Plaintiff has filed multiple dispositive and procedural motions that remain adjudicated, including:

- The Motion for Vacatur (ECF No. 39),
- The Motion to Clarify and Correct Misapplication of Rule 12 Standards (filed March 24, 2025),

- And prior objections to jurisdiction and impartiality.

These motions challenge the legal and constitutional sufficiency of the Court's March 7, 2025 Order (ECF No. 36) and raise material questions of jurisdiction, due process, and compliance with binding precedent. The Court has declined to address these filings, even while enforcing procedural deadlines and denying recusal.

This pattern reflects not neutral adjudication, but procedural entrenchment—the selective engagement with filings that defend the Court's discretion, while ignoring those that challenge the legal basis of its rulings.

II. No Waiver of Objections or Rights

Plaintiff expressly preserves all objections to the following:

- The Court's misapplication of Rule 12(b)(1) and 12(b)(6);
- The failure to distinguish or apply *Mortensen*, *Zwickler*, *Rose*, and *Phillips*;
- The imposition of coercive deadlines while jurisdiction remains contested;
- The refusal to rule on facially dispositive motions;
- The denial of due process to a pro se constitutional litigant.

Plaintiff objects to any construction of his conduct—including any decision not to amend—as a waiver of claims, rights, or the ability to appeal. Plaintiff reserves all rights under the Constitution, federal law, and the Federal Rules of Civil Procedure.

III. Preservation for Appellate and Supervisory Review

Plaintiff provides this Notice to ensure that the procedural record reflects:

- That Plaintiff has objected at every stage,
- That Plaintiff has demanded proper adjudication under the law,
- And that any further denial of review will constitute continuing structural prejudice and constitutional deprivation.

No waiver shall be presumed by silence, procedural posture, or Plaintiff's choice to preserve rather than amend under a ruling he contends is void.

Respectfully submitted,

/s/ Michael Miller

Michael Miller
108 N. Reading Road, F, 246
Ephrata, Pennsylvania 17522
reaganfive@protonmail.com
717-388-1063

Dated: March 24, 2025

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

Sarah Hyser-Staub PA I.D. No. 315989
Lauren Anthony, PA I.D. No. 324557
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
717-232-8000
ssaub@mcneeslaw.com
lanthony@mcneeslaw.com

Attorneys for Defendants

Respectfully Submitted,

/s/ Michael Miller

Michael Miller
108 N. Reading Rd., Ste F, 246
Ephrata, Pennsylvania 17522
717-388-0163
reaganfive@protonmail.com

Dated: March 24, 2025